

Minutes of the
Bountiful City Council Meeting
City Council Chambers
August 12, 2008 - 7:00 p.m.

Present: Mayor: Joe L. Johnson
Council Members: Beth Holbrook, John Marc Knight, R. Fred Moss, Scott Myers and Tom Tolman
City Manager: Tom Hardy
City Attorney: Russell Mahan
City Engineer: Paul Rowland
City Recorder: Kim J. Coleman
Planning Director: Aric Jensen
Department Repre: Gary Blowers
Tom Ross, Police
Jerry Wilson, Parks/Recreation
Administrative Intern: Jeff Jensen
Recording Secretary: Nancy T. Lawrence

Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.

Mayor Johnson called the meeting to order at 7:00 p.m. and welcomed those in attendance. He expressed sympathy to Councilman Knight on the recent death of his mother and thanked the City staff for their support of Handcart Days and Summerfest. He also recognized the efforts of Emma Dugal and her associates for the wonderful job they did with Summerfest. Chief Ross led the pledge of allegiance to the flag, following which Mr. Blowers offered the prayer/thought.

APPROVAL OF MINUTES

Minutes of the regular City Council meetings held July 8 and July 22, 2008 were presented for approval. Councilman Moss requested that his dialogue in the July 22 minutes be recorded verbatim, not just summarized. Subject to that amendment, both sets of minutes were unanimously approved on a motion made by Councilwoman Holbrook and seconded by Councilman Moss. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

EXPENDITURES AND EXPENSES APPROVED

Mayor Johnson presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods (with respective totals): July 10 - 16, 2008 (\$1,355,284.12) and July 17 - 30, 2008 (\$2,126,651.79). Following discussion, Councilman Myers made a motion to approve the expenditure reports, as presented. Councilwoman Holbrook seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

YOUTH COUNCIL REPORT

Annie Leishman and Courtney Larsen were in attendance to report on Youth Council activities, which included participation in the Handcart Days parade, assisting the Exchange Club with the July 24th Breakfast, and helping host Summerfest guest performers. The Youth Council

1 will participate in Utah parliamentary procedure training on August 23rd and in the kick-off of the
2 Utah Youth Service Marathon on September 13th. It is the goal of the State to perform 26 acts of
3 service by April.

4
5 Councilman Knight reported that the group will hold a party tomorrow night as an
6 extension of the USU Youth Council convention. He praised the members of the Youth Council
7 and stated that they are a credit to the community.

8
9 **COUNCIL APPROVES CONCEPT OF REDUCING UTILITY**
10 **BILLS FOR NATIONAL GUARD/RESERVE MEMBERS**

11 Mr. Hardy reported that he received a proposal from Jeffrey Novak (retired from the
12 military) that Bountiful City waive a portion of the utility bills of reservists and National guard
13 personnel who are deployed in support of wartime contingencies. Mr. Novak was in attendance
14 representing American Legion Post 79, whose membership includes veterans from WWII forward.
15 He said there are 133 Guard and Reserve members in the City who could be affected if this request
16 was approved. Currently, there is an average of 30 individuals serving abroad. He said that 45-47
17 cities in Utah currently provide similar benefits. Clearfield, Layton, Kaysville, Woods Cross and
18 Centerville all have a type of benefit for Reserves and Guard personnel who are called up. Mr.
19 Novak suggested that the City waive at least \$50/month from the utility bill.

20
21 The Council and Mayor expressed support of this proposal and discussed details which
22 would be included in the proposed policy. Councilman Moss made a motion to authorize the staff
23 to prepare a resolution that would provide waiving \$75/month from the utility bills of the guard
24 and reserves deployed in support of war. Councilman Tolman seconded the motion which carried
25 unanimously. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".

26
27 **COUNCIL ADOPTS FINDINGS AND CONCLUSIONS -**
28 **CONDITIONAL USE APPLICATION OF MIKE FAVATELLA**

29 Mr. Mahan presented the Findings and Conclusions which he prepared regarding the
30 Conditional Use Application of Mike Favatella. He noted that inasmuch as Councilman Knight
31 had participated on the Administrative Committee prior to the hearing by the Council, he was not
32 able (under State law) to participate in the Council action on July 22, 2008 and also on action
33 regarding the Findings and Conclusions. Mr. Mahan responded to questions from the Council,
34 following which Councilman Tolman made a motion to adopt the findings and Conclusions as
35 presented. Councilman Moss seconded the motion which carried with Councilpersons Holbrook,
36 Moss, Myers and Tolman voting "aye". Councilman Knight did not vote, as noted above.

37
38 **PUBLIC HEARING TO CONSIDER PROPOSED ZONE**
39 **MAP AMENDMENT - - JEREMY TERRY, APPLICANT**

40 Mr. Aric Jensen reviewed the application of Stout Building Contractors for two properties
41 located at 456 West and 460 West on 400 North to be rezoned from RM-13 (multi-family) to C-H
42 (heavy commercial). He said the intent of the applicants is to combine these two properties with
43 the former trailer park property to the north in order to create a retail commercial center. The
44 Planning Commission reviewed this petition on August 5, 2008 and recommended approval with a
45 6-0 vote. The City staff has also reviewed the request and recommends approval.

46
47 At 7:36 p.m. Mayor Johnson opened the public hearing to consider this request. There
48 were no comments and the hearing was closed at 7:37 p.m. The Mayor called for input from the

1 Council. Councilman Myers requested that he be excluded from the discussion and action due to a
2 conflict of interest (as a realtor). Councilman Tolman noted that the Council should make sure that
3 the “commercial creeping” does not continue further east on 400 North. He then made a motion to
4 approve this request and to adopt Ordinance No. 2008-06 entitled AN ORDINANCE AMENDING THE
5 BOUNTIFUL CITY ZONING MAP TO CHANGE THE ZONE DESIGNATION OF THE PROPERTIES LOCATED
6 AT 456 WEST 400 NORTH AND 460 WEST 400 NORTH, BOUNTIFUL, UTAH, FROM RM-13
7 (RESIDENTIAL MULTI-FAMILY) TO C-H (HEAVY COMMERCIAL). Councilwoman Holbrook
8 seconded the motion which carried with Councilpersons Holbrook, Knight, Moss and Tolman
9 voting “aye”; Councilman Myers abstained.

10
11 **FINAL SITE PLAN APPROVED FOR 12 MULTI-FAMILY UNITS,**
12 **303 WEST AND 321 WEST 2600 SOUTH**

13 Mr. Aric Jensen reviewed the request of Wilson Properties for final site plan approval for
14 12 multi-family units. He stated that this request has been reviewed by the staff and Planning
15 Commission and comes to the Council with a positive recommendation, subject to the following
16 conditions:

- 17
18 1. The applicant make all of the corrections mentioned in this staff report, in the City
19 Engineer’s written review, and shown as redlines on the plans.
20 2. The dumpster enclosure be installed in the location requested by the Commission.
21 3. The applicant provide written approval from South Davis Sewer to use one of the
22 existing 4" sewer laterals.
23

24 Councilwoman Holbrook made a motion to grant final site plan approval for 12 multi-family units
25 at 303 West and 321 West 2600 South, as presented and recommended. Councilman Myers
26 seconded the motion which carried unanimously. Councilpersons Holbrook, Knight, Moss, Myers
27 and Tolman voted “aye”.
28

29 **RECYCLING SERVICE AGREEMENT BETWEEN BOUNTIFUL**
30 **AND WASTE MANAGEMENT OF UTAH, INC. APPROVED**

31 Mr. Hardy presented the proposed Residential Curbside Recycling Service Agreement and
32 stated that he feels it is fair and reasonable. He reviewed highlights of the Agreement, effective for
33 five years with a condition for up to two additional two year terms, but is not binding on future
34 councils. Following Mr. Hardy’s presentation, he responded to questions from the Council and
35 Councilman Myers asked if the City had looked at any options for the elderly who are on fixed
36 incomes. Mr. Hardy noted that customers who currently use two cans would most likely return the
37 second can, which would be a \$3.00 savings that would offset the proposed \$3.05 recycling fee.
38 He also stated that City personnel currently assist a few people by taking the can out to the street
39 and we would provide this same service with the recycling can.
40

41 Councilwoman Holbrook made a motion to approve the Residential Curbside Recycling
42 Service Agreement between Bountiful and Waste Management of Utah, Inc. Councilman Tolman
43 seconded the motion and voting was by a majority. Prior to the vote, Councilman Knight clarified
44 that it is his intent to work with the City to try to find a program that we might be able to help
45 senior citizens or those in need as it relates to the additional recycling fee. Councilpersons
46 Holbrook, Knight, Myers and Tolman voted “aye”. Councilman Moss voted “nay”.
47

1 **RES. NO. 2008-06 ADOPTED RE: RECYCLING PROGRAM**

2 Mr. Hardy presented Resolution No. 2008-06 entitled A RESOLUTION ESTABLISHING FEES
3 FOR A CITYWIDE RECYCLING PROGRAM AS A PART OF BOUNTIFUL CITY'S GARBAGE COLLECTION
4 SERVICES which establishes the recycling program and increases the existing garbage collection fee
5 by \$3.05 per month. Councilwoman Holbrook motioned to adopt this resolution, Councilman
6 Tolman seconded the motion and voting was by a majority. Councilpersons Holbrook, Knight,
7 Myers and Tolman voted "aye". Councilman Moss voted "nay".
8

9 **TRAFFIC SAFETY COMMITTEE RECOMMENDATIONS**

10 Mr. Rowland reported from Traffic Safety Committee (held August 12, 2008) that it is the
11 recommendation of that committee that new bicycle lanes be painted on 100 West Street between
12 400 North and 500 South and that a new "School Crossing" be painted at Moss Hill Drive and
13 Lakeview Drive. He explained that the bicycle lanes are the first part of the expansion of outdoor
14 exercise paths around the South Davis Recreation Center. He also noted that the MUTCD has an
15 entire section on bike lanes which spells out the installation of paint markings along with the many
16 signs that need to be installed along the route. Mayor Johnson commented that "we want to have a
17 more 'walkable' community" and Aric Jensen stated that staff is fully supportive of this action.
18 Councilman Tolman motioned to approve the bicycle lanes, as presented. Councilman Knight
19 seconded the motion and voting was unanimous with Councilpersons Holbrook, Knight, Moss,
20 Myers and Tolman voting "aye". Councilman Moss then motioned to approve the new school
21 crosswalk at Lakeview Drive and Moss Hill Drive. Councilwoman Holbrook seconded this
22 motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers and Tolman
23 voted "aye".
24

25 **AGREEMENT WITH WASATCH INTEGRATED WASTE**
26 **MANAGEMENT DISTRICT APPROVED**

27 Mr. Hardy explained that the City has been working with Wasatch Integrated Waste
28 Management District (WIWMD, commonly referred to as the "Burn Plant") for the past several
29 months on an agreement which would get an area in the southeast corner of Bountiful out of the
30 WIWM District. This is an area that was in the unincorporated area of the county when the Burn
31 District was created, and they pay an extra fee for waste disposal. In the meantime, this area has
32 been annexed into the City. The Agreement would provide for a reduction in the utility bill for the
33 1,100-1,200 homes that are affected. In exchange for this, the City would deed 5 acres of property,
34 located north of the landfill to the District. At some time in the future, this property would be used
35 as the site for a transfer station.
36

37 Another benefit to the District is that the lifespan of their landfill is 5 - 7 years, and
38 reducing the number of citizens using it will extend its life. (The Bountiful landfill has an
39 anticipated lifespan of 80 years). The agreement also provides that citizens from other cities can
40 bring green waste to the Bountiful landfill under the same terms and conditions that Bountiful
41 residents do. Following discussion, Councilwoman Holbrook made a motion to approve the
42 Agreement with WIWM, as presented. Councilman Myers seconded the motion which carried
43 unanimously. Councilpersons Holbrook, Knight, Moss, Myers and Tolman voted "aye".
44

45 **PRESENTATION BY ALCOHOLIC BEVERAGE CONTROL**
46 **COMMISSION - RELOCATION OF STATE LIQUOR STORE**

47 Sam Granato, Dennis Kellen and John Freeman (State Liquor Control) were in attendance
48 to inform the Council of the proposed relocation of the State liquor store. Mr. Kellen stated that

1 the volume of sales has increased at the State liquor store, and it is necessary to have a larger
2 facility. One of the criteria for relocating a liquor store is to consult with the citizens of the
3 community and it is for this purpose that this matter is on this Agenda. Mr. Freeman stated that
4 sales are up at this location by 16 percent (11 percent overall in the State). He reviewed the
5 controls that are in place related to selling alcoholic beverages, and noted that it is the charge of the
6 Liquor Commission to not only reduce, but eliminate the sale of alcohol to minors.

7
8 The Liquor Commission has identified a parcel of ground at approximately 550 North 100
9 East (currently the northeast corner of a trailer park) as the proposed new location for the liquor
10 store. The proposed store will be approximately 10,000 sf, with ½ being used for warehouse and ½
11 for retail sales. Chief Ross indicated that he had no concerns about the proposed location. Mr.
12 Hardy noted that no action is required this evening and that when the site plan comes in there will
13 be requirements that the Council will have the opportunity to review.

14
15 **RES. NO. 2008-07 RE: POLICIES AND PROCEDURES APPROVED**

16 In response to concerns from the Council, Mr. Mahan stated that he has drafted a proposed
17 change to the City Personnel Policies and Procedures Manual which would prohibit employees
18 from having any form of tattoo, branding, piercing (except for ordinary earrings for women), skin
19 markings or other forms of body art on the face, neck, head, hands and forearms, and other related
20 conditions. He then reviewed Resolution No. 2008-07 (which would provide for adoption of the
21 amended Policy Manual) entitled A RESOLUTION AMENDING THE BOUNTIFUL CITY PERSONNEL
22 POLICIES AND PROCEDURES MANUAL TO PROHIBIT CERTAIN TATTOOS AND BODY PIERCINGS.
23 Discussion focused on some of the proposed text changes and whether “forearms” should be
24 included in the “prohibited” list. Following a lengthy discussion, Councilman Myers made a
25 motion to adopt Res. No. 2008-07, subject to removing the word “forearms”. Councilwoman
26 Holbrook seconded the motion which carried by a majority. Councilpersons Holbrook, Knight,
27 Myers and Tolman voted “aye”. Councilman Moss voted “nay”.

28
29 **COUNCIL COMMITTEE REPORTS**

30 Councilman Tolman reported that Farley Sowards, Chairman of the Community Service
31 Council will be stepping down, and he invited the group to make recommendations for a new
32 Chairman for that Council.

33
34 Councilman Tolman noted that the assistant chief at the South Davis Metro Fire District
35 (Terry Graham) will be retiring, and Mayor Johnson added that there will be a luncheon tomorrow
36 honoring him.

37
38 Councilman Tolman made a motion to adjourn at 8:40 p.m. Councilwoman Holbrook
39 seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Moss, Myers
40 and Tolman voted “aye”.

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44 _____
45 JOE L. JOHNSON, Mayor

46
47 _____
48 KIM J. COLEMAN, City Recorder

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